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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,683	04/04/2006	Ulrich Bohne	3622	2207
7590	09/29/2011		EXAMINER	
Striker, Striker & Stenby 103 East Neck Road Huntington, NY 11743			FLORES SANCHEZ, OMAR	
			ART UNIT	PAPER NUMBER
			3724	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/574,683	BOHNE, ULRICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	OMAR FLORES SANCHEZ	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 August 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8,10,13-20,22 and 24-38 is/are pending in the application.  
 4a) Of the above claim(s) 33 and 36 is/are withdrawn from consideration.  
 5) Claim(s) 27-29 and 32 is/are allowed.  
 6) Claim(s) 1-8,10,13-20,22,24-26,30,31,34,35,37 and 38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/2/11</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 06/30/11.

### ***Election/Restrictions***

2. Newly submitted claim 36 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: locking elements has a rounded edge

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 36 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 10, 13, 17-20, 22, 23, 26, 34, 35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) and Winter (3,905,374).

Raines discloses (Fig. 1-20) the invention substantially as claimed including a centering element 22 has circular cross-section, a bearing flange (e.g., 14 or 24), a form-locking element/pin-like form (e.g., 84 and 85), a tool (Fig. 7-10), a power tool 10, a drive shaft 12, See Fig. 12 the radius associated with one position of the form-locking element is more than twice as large as a radius of the centering element, at least one slaving face (the outer surface of the boss),

a recess (e.g., 34) with circumferential edge of 360 degrees and a diameter of 4-8 mm (inherently disclosed). Raines discloses the claimed invention except for a radius associated with one position or said form-locking element is four times as large as a radius of said centering element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the a radius associated with one position or said form-locking element is eight times as large as a radius of said centering element for the purpose of having a better connection, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

Raines discloses the invention substantially as claimed except for at least twelve form-locking elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing at least twelve form-locking elements for the purpose of increasing the degree of freedom of the blade, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Raines discloses the invention substantially as claimed except a quadrangular cross section/trapezoidal cross section which is perpendicular to an axis of the shaft. However, Winter teaches the use of a locking element 19 having a trapezoidal cross section (see Fig. 2) which is perpendicular to an axis of the shaft for the purpose of providing a secure and stable engagement of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking element of Raines by providing the trapezoidal

cross section as taught by Winter in order to obtain a device that provides a secure and stable engagement of the blade.

5. Claims 4-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Trott (5,729,904).

The modified device of Raines discloses the invention substantially as claimed except for at least three or four rotary positions. However, Trott teaches the use of pins 32 for the purpose of connecting the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the pins as taught by Trott in order to obtain a device that quickly connects the blade. Trott pins are capable of connecting the blade in at least three or four rotary positions.

6. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Trott (5,729,904) as set forth in claim 5.

The modified device of Raines discloses the invention substantially as claimed except for at least twelve rotary positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing at least twelve rotary positions for the purpose of increasing the degree of freedom of the blade, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. The locking element of Raines are capable of operate with tools having triple symmetry and a quadruple symmetry by locating the circular locking element resting in the side walls.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Hutchins et al. (5,694,693).

The modified device of Raines discloses the invention substantially as claimed except for at least one chamfer. However, Hutchins et al. teaches the use of at least one chamfer (see Fig. 5-6) for the purpose of easily securing the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing at least one chamfer as taught by Hutchins et al. in order to obtain a device that easily secures the blade.

8. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Jasch (6,796,888 B2).

The modified device of Raines discloses the invention substantially as claimed except for a spring element. However, Jasch teaches the use of a spring element 98 for the purpose of preventing a release of the screw in operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the spring element as taught by Jasch in order to obtain a device that prevents a release of the screw in operation.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) as applied to claim 6 above.

The modified device of Raines discloses the claimed invention except for twelve rotary positions differ from each of their adjacent rotary positions by  $30^{\circ}$ . It would have been obvious

to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the twelve rotary positions differ from each of their adjacent rotary positions by 30°, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Arnegger (4,252,121) and Winter (3,905,374).

Raines discloses the invention substantially as claimed including a centering element 22, form-locking elements (for example, 84 and 85), a tool (Fig. 7-10), a power tool 10 and a drive shaft 12. Raines doesn't show an inclined section. However, Arnegger teaches the use of a locking element 51 having an inclined section 52 (see Fig. 5) for the purpose of allowing certain cases a better accessibility to perform the cutting operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the locking element of Raines by providing the inclined section as taught by Arnegger in order to obtain a device that allows certain cases a better accessibility to perform the cutting operation.

Raines discloses the invention substantially as claimed except a quadrangular cross section/trapezoidal cross section which is perpendicular to an axis of the shaft. However, Winter teaches the use of a locking element 19 having a trapezoidal cross section (see Fig. 2) which is perpendicular to an axis of the shaft for the purpose of providing a secure and stable engagement of the blade. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have modified the locking element of Raines by providing the trapezoidal cross section as taught by Winter in order to obtain a device that provides a secure and stable engagement of the blade.

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raines (5,366,312) in view of Arnegger (4,252,121) and Winter (3,905,374) as applied to claim 30 above, and further in view of Jasch (6,796,888 B2).

The modified device of Raines discloses the invention substantially as claimed except for a spring element. However, Jasch teaches the use of a spring element 98 for the purpose of preventing a release of the screw in operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines by providing the spring element as taught by Jasch in order to obtain a device that prevents a release of the screw in operation.

***Allowable Subject Matter***

12. Claims 27-29 and 32 are allowed.

***Response to Arguments***

13. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues it is not obvious to modify Raines to include a radius associated with one position or the form locking element eight times as large as a radius of the centering element. However, it old and well known in the art in order to improve the connection between elements is to increase the

contact area for adding more locking element. There is no novelty of adding more locking elements or having larger contact area, such as the claimed limitation. For that reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Raines in order to improve the connection between elements.

In response to Applicant's argument that Winter includes additional structure, the locking elements 19 are attached to the driver, not required by Applicant's invention, it must be noted that Winter was cited in relation to the trapezoidal cross section as claimed. The fact that it discloses additional structure not claimed and cited in the Office Action is irrelevant.

In response to Applicant's argument that Trott includes additional structure, the rounded pins, not required by Applicant's invention, it must be noted that Trott was cited in relation to the pins connecting the blade in at least three or four rotary positions as claimed. The fact that it discloses additional structure not claimed and cited in the Office Action is irrelevant.

In response to Applicant's argument that Hutchins includes additional structure (for example, offset slot 14 of tool 10) not required by Applicant's invention, it must be noted that Hutchins discloses the invention as claimed. The fact that it discloses additional structure not claimed is irrelevant.

In response to Applicant's argument that Arnegger includes additional structure (for example, a trapezoidal cross section that is perpendicular to a drive shaft) not required by Applicant's invention, it must be noted that Arnegger discloses the invention as claimed. The fact that it discloses additional structure not claimed is irrelevant.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR FLORES SANCHEZ whose telephone number is (571)272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./  
Examiner, Art Unit 3724  
9/26/2011

/BOYER D ASHLEY/  
Supervisory Patent Examiner, Art Unit 3724